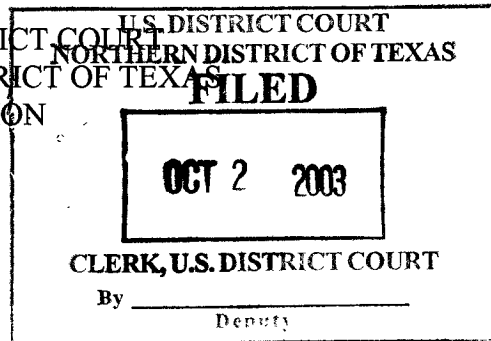


CA
ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



JEFFREY A. KRALLER and
ALAN POLLENZ

Plaintiffs,

ALLIED PILOTS ASSOCIATION,

Defendant.

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Civil Action No: 3 03 CV-761 P

**DEFENDANT'S OPPOSITION TO THE PLAINTIFFS' MOTION
FOR STAY OF TRIAL PROCEEDINGS PENDING APPEAL**


Defendant Allied Pilots Association opposes plaintiffs' motion for a stay of trial proceedings in this case while plaintiffs pursue their appeal of this Court's interlocutory denial of a preliminary injunction on September 11, 2003. The case has now been extensively briefed in this Court. A stay of this case while the appeal is pending is not in the interests of judicial economy, and indeed, is more likely to lead to a waste of judicial resources for the following reasons:

1. First, the Fifth Circuit Court of Appeals can decide plaintiffs' appeal of an interlocutory order on various grounds, and may not necessarily reach the merits of the case, as plaintiffs suppose.
2. Second, for that reason, it is easy to envision a scenario in which the appeal is denied, and the merits still have to be addressed by this Court.
3. If the goal is judicial economy, then the better approach is for the plaintiffs to withdraw the appeal, proceed through the limited discovery that the parties have agreed upon, and

resolve the case by summary judgment. There appear to be no significant disputes of fact. The decision and rationale of the APA Appeal Board is a matter of record. Thereafter, an appeal to the United States Court of Appeals would ensure a resolution on the merits, without the need of two appeals.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

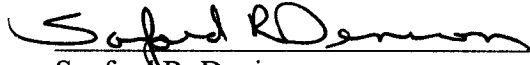
I hereby certify that the foregoing document has been served this 20th day of October, 2003, by the means specified below, addressed to the following:

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